

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

EUGENE THOMAS,

Plaintiff

VS.

BRIGETTE V. JENKINS,

Defendant

NO. 1: 08-CV-145 (WLS)

PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE

ORDER

Pending in this *pro se* prisoner action under 42 U.S.C. § 1983 is Plaintiff's MOTION TO COMPEL ANSWERS TO INTERROGATORIES (Tab# 33). Therein, plaintiff Eugene Thomas seeks answers to his second set of interrogatories, specifically numbers 1, 2, and 4, and has therefore filed this motion to compel.

Plaintiff's motion to compel was filed on January 14, 2010. According to the defendant, the relevant discovery requests were served on December 28, 2009, and therefore, pursuant to Fed.R.Civ.P. 33, 34 and 36, Defendant has thirty (30) days in which to respond to these requests. Additionally, Defendant states that Plaintiff served his discovery dispute letter on the same day he served the requested discovery. Therefore, the motion to compel is premature, and is accordingly **DENIED**. Plaintiff is admonished to adhere to the spirit of the good faith requirements of the discovery rules by allowing the opposing party adequate time to respond to his requests for discovery.

SO ORDERED, this 28th day of APRIL, 2010.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE